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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/659,377	09/07/2000	Eric B. Johansson	1585-280

CONFIRMATION NO. 5947

## FORMALITIES LETTER



\*OC000000005947360\*

Nixon & Vanderhye PC  
1100 North Glebe Road  
8th Floor  
Arlington, VA 22201-4714

Date Mailed: 04/09/2001

## NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

## Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$134.
  - \$54 for 3 total claims over 20.
  - \$80 for 1 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$974.**
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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02 FC:109  
03 FC:110  
04 FC:105



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

13

In re Reissue Patent of

Patent No. 5,229,068

Atty. Ref.: 1585-280

Application

Serial No. 09/659,377

Filed: September 7, 2000

For: OPTIMIZED CRITICAL POWER IN A FUEL BUNDLE WITH  
PART LENGTH RODS

\* \* \* \* \*

Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

**REISSUE DECLARATION UNDER 37 CFR 1.75 AND POWER OF ATTORNEY**

The undersigned, General Electric Company, assignee of U.S. Patent No. 5,229,068 (the '068 patent), hereby requests Reissue of the '068 patent under 35 U.S.C. 251. The '068 patent issued on July 20, 1993 and is still enforceable.

Assignee asserts that it is the owner of the entire right, title and interest in the '068 patent by virtue of an assignment recorded on August 31, 1992 in the USPTO at reel 6250, frame 0719.

Assignee hereby states that:

1. Eric B. Johansson, Bruce Matzner, Gary E. Dix, Richard A. Wolters, Jr., and Anthony

P. Reese, whose residences, post office addresses and citizenships are as follows:

Eric Bertil Johansson  
2400 Lumina Avenue Ext. Unit 3204  
Wrightsville Beach, NC 28480 – (US citizen)

Bruce Matzner  
8363 Riesling Way  
San Jose, California 95135-1404 – (US citizen)

Gary Errol Dix  
15404 Madrone Hill Road  
Saratoga, California 95070 – (US citizen)

Richard Arthur Wolters, Jr.  
6440 Pelham Court  
San Jose, California 95123 – (US citizen)

Anthony Paul Reese  
2108 Boatswain Place  
Wilmington, NC 28405 – (US citizen)

are verily believed to be the original, first and only joint inventors of the subject matter of the invention entitled OPTIMIZED CRITICAL POWER IN A FUEL BUNDLE WITH PART LENGTH RODS as described and claimed in the '068 patent and as described and claimed in the above identified reissue application;

2. Assignee does not know and does not believe that this invention was ever known or used in the United States before the inventors' invention thereof, or patented or described in any publication in any country before the inventors' invention thereof, or more than one year prior to the original application, or in public use or on sale in the United State more than one year prior to the original application; that this invention had not been patented or made the subject of an inventor's certificate in any country foreign to the United States prior to the date of the original application on an application filed by the inventors or their legal representative or assigns more than twelve months before their original application.

3. Assignee has reviewed and understand the contents of the above identified reissue application, including the original '068 patent specification and claims as well as the claims as amended in this reissue application;

4. Assignee believes the original '068 patent to be wholly or partly inoperative or invalid by reason of claiming more than it had a right to claim. Specifically, claims 51-71 of the '068

patent may be anticipated by at least Japanese Laid-Open Patent No. 1-176986, published July 13, 1989. The above error in claiming comprises at least one error relied upon as the basis for this reissue.

5. All errors corrected in this reissue application, up to and including the time of filing of the oath or declaration under 37 CFR 1.175 arose without any deceptive intent.

6. Assignee acknowledges its duty to disclose information of which we are aware, which is material to the examination of this reissue application in accordance with 37 CFR 1.56(a) and 37 CFR 1.175(a).

7. Assignee offers to surrender original U.S. Patent No. 5,229,068 prior to allowance of the Reissue Application;

8. Assignee hereby appoints Nixon & Vanderhye, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof (of the same address) individually and collectively our attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097.

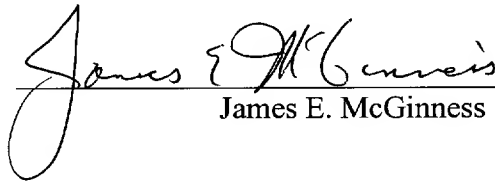
9. The undersigned is empowered to sign this document on behalf of Assignee.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Assignee: General Electric Co.**

Date:

8/13/01

  
James E. McGinness